

REMARKS**Phone Interviews**

Applicants appreciate the courtesy extended to Applicants' agent, in phone interviews on November 22 and 30, 2005. The comments and amendments appearing herein are substantially in accordance with those presented and discussed in the phone calls.

During the phone interview of November 30, 2005, the Examiner provisionally restricted claims 4, 5, 25 and 26 as a single invention distinct from the remainder of the claims. Applicants respectfully request that the Examiner formally restrict the pending claims so that the compounds of claims 4, 5, 25 and 26 are grouped as a single invention for election and allowance.

Applicants also request that method claims 12-16, directed to making the compounds of claims 4, 5, 25, or 26, be rejoined with allowable claims 4, 5, 25, and 26 (see MPEP 821.04).

Applicants note that if the application is in condition for allowance, except for the cancelation of the non-allowable claims, Applicants request that the Examiner telephone the Applicants' agent to discuss cancelation of the non-allowable claims. Applicants are interested in working with the Examiner to place this application in condition for allowance.

Status of the Claims

Claims 1, 2, 4-16, 22, 23, 25, 26, and 50 are pending in the present application. Claims 3, 17-21, 24, and 27-49 have been canceled without prejudice or disclaimer of the subject matter claimed therein. Claims 4, 5, and 12 have been amended to clarify the claimed subject matter. Support for the amendments to claims 4, 5, and 12 can be found in original claims 1 and 4.

The Rejection under 35 U.S.C. § 112, First Paragraph

Claims 1-2, 4-16, 22-23, and 50 have been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with written description because the claims contain subject matter that are not adequately described in the specification.

During the phone interview of November 30, 2005, the Examiner stated that claims 4, 5, and 12-16 were rejected because the deletion of "hydrophobic," "hydrophilic" or "fluorophilic" broadens the scope of the claims and such scope is not described in the specification. Applicants

respectfully submit that the terms “hydrophobic,” “hydrophilic,” or “fluorophilic” describe the properties of the entire compound and not the individual substituents. For example, the specification in Examples 1-17 show the synthesis of various hydrophobic, hydrophilic or fluorophilic compounds according to the instant disclosure. Accordingly, deletion of the terms does not broaden the scope of the claims, and the compounds encompassed by claims 4 and 5 are adequately described in the specification.

Claims 12-16 are directed to making the compounds of claims 4 and 5. Thus, if claims 4 and 5 are found to be allowable, claims 12-16 should be rejoined with claims 4 and 5 (see MPEP 821.04)

In light of the anticipated restriction, Applicants are not responding to the rejections specific to the claims that will not be elected.

The Rejection under 35 U.S.C. § 101

Claims 7-16 were rejected under 35 U.S.C. § 101 because they are directed to non-statutory subject matter.

Applicants point out that this is a new rejection that is not necessitated by Applicants' amendments to the claims. For example, claim 7 was not amended by Applicants. According to MPEP 706.07(a), if an Examiner introduces a new ground of rejection that is neither necessitated by Applicants' amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.197(c) with the fee set forth in 37 CFR 1.17(p), the Office Action cannot be made final. Accordingly, Applicants respectfully request that the finality of this Office Action be withdrawn.

Applicants urge that the claims are not directed to non-statutory subject matter because the claims are directed to compositions and methods of using the compositions. Compositions of matter are statutory subject matter.

In any case, the rejection should not be a § 101 rejection. The rejection seems to be based on indefiniteness because the rejection states that the claims “do not define the steps required for carrying out the process as required by the statute.” Applicants request that the Examiner clarify the reasons for the rejection. Applicants urge that the claims as they stand define the steps for

carrying out the claimed process.

Conclusion

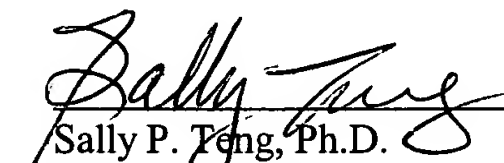
The foregoing amendments and remarks are being made to place the application in condition for allowance. Applicants respectfully request reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, they are invited to telephone the undersigned at their convenience.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Dated: **December 28, 2005**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted

Morgan, Lewis & Bockius LLP


Sally P. Teng, Ph.D.
Registration No. 45,397